

HARLAN LEHMAN and MARIE LEHMAN,  
 Plaintiffs,  
 and  
 NETWORK HEALTH PLAN,  
 UNITED STATES DEPT. OF HEALTH AND  
 HUMAN SERVICES, and  
 AMERICAN FAMILY MUTUAL INSURANCE  
 COMPANY,  
 Involuntary Plaintiffs,  
 v.  
 RHEEM MANUFACTURING COMPANY.,  
 ABC INSURANCE CO.,  
 HONEYWELL INTERNATIONAL, INC., and  
 XYZ INSURANCE CO.,  
 Defendants.

Case No.: \_\_\_\_\_  
 Formerly Case No. 2018CV000107  
 Marquette County Circuit Court  
**PETITION FOR REMOVAL**

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1. Rheem has been named as a Defendant in this action, which was filed on December 12, 2018 in the Circuit Court of Marquette County, Wisconsin. The case is entitled *Harlan Lehman, et al. v. Rheem Manufacturing Company, et. al.* and has been designated as Marquette County Case No. 2018CV000107.

2. In accordance with 28 U.S.C. § 1446(a), attached as Exhibit A is a copy of the Summons and Complaint served upon Rheem. The Summons and Complaint constitute all pleadings and Orders which have been served upon the Defendant.

3. Rheem was served with the Summons and Complaint on January 2, 2019. Accordingly, this Petition for Removal is timely pursuant to 28 U.S.C. 1446(b)(2)(B) because it has been filed within thirty (30) days after Rheem was served with the Summons and Complaint. The service of the Summons and Complaint was Rheem's first notice regarding the filing of this action.

4. The subject action is a civil action of which this court has original jurisdiction pursuant to 28 U.S.C. § 1332(a), and is one which may be removed to this court by the Defendants pursuant to 28 U.S.C. § 1441. These provisions are met because this is a civil action between citizens of different states and the amount of controversy exceeds the sum or value of \$75,000, exclusive of interest and costs.

5. The Plaintiffs, Harlan Lehman and Marie Lehman, are citizens of Wisconsin residing at N5444 State Road 22, Montello, Wisconsin, 53949.

6. Involuntary Plaintiff Network Health Plan is a Wisconsin corporation with its principal place of business in Wisconsin.

7. Involuntary Plaintiff United States Department of Health and Human Services is a federal agency having its registered agent and address at United States Attorney's Office,

Western District of Wisconsin, 222 West Washington Avenue, Suite 700, Wisconsin, 53703.

8. Involuntary Plaintiff American Family Mutual Insurance Company is a Wisconsin corporation with its principal place of business in Wisconsin.

9. Defendant Rheem is a Delaware corporation with its principal place of business in Georgia.

10. Defendant Honeywell International, Inc. (“Honeywell”) is a Delaware corporation with its principal place of business in New Jersey. Honeywell consents to the removal of this action, as reflected in the below electronic signature of Honeywell’s counsel and the e-mail from Honeywell’s counsel confirming assent to removal attached hereto as Exhibit “B”.

11. Also named as a Defendant in the Complaint are ABC Insurance Company and XYZ Insurance Company. In determining whether a civil action is removable based on jurisdiction under 28 U.S.C. § 1332(a), the citizenship of defendants sued under fictitious names shall be disregarded. 28 U.S.C. § 1441(b)(1); see also *Miller Brewing Company v. Ace U.S. Holdings, Inc.*, 391 F. Supp.2d 735 (E.D. Wis. 2005).

12. Written notice of the filing of this Petition for Removal has been served upon all parties.

13. A Notice stating that this matter has been removed to Federal Court has been filed with the Clerk of the Circuit Court of Marquette County, Wisconsin.

**WHEREFORE**, the Defendant, Rheem Manufacturing Company, requests that the action currently pending in the State of Wisconsin, Circuit Court for Marquette County be removed to this Court and proceed in this Court.

Dated this 29th day of January, 2019.

s/ Frederick J. Strampe  
Frederick J. Strampe  
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**AND**

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**CONSENT TO REMOVAL**

Defendant Honeywell International, Inc., by and through its undersigned counsel, hereby consents to the removal of this civil action to the United States District Court for the Eastern District of Wisconsin.

Dated this 29th day of January, 2019.

/s/ Jeannine L. Lee

Jeannine L. Lee (#012929X)

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**ATTORNEYS FOR HONEYWELL  
INTERNATIONAL INC.**